

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

AMANDA K. McENTYRE,

Civil Action File No.

Plaintiff,

v.

SAM'S EAST, INC., JOHN DOE 1
AND JOHN DOE NO. 2,

Defendants.

_____ /

NOTICE OF REMOVAL

COMES NOW SAM'S EAST, INC., named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendant SAM'S EAST, INC. in the State Court of Dougherty County, Georgia, which is within the Albany Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 17SCV217. Plaintiff's claims against Defendants include claims of negligence.

2.

Plaintiff filed the Complaint on or about September 21, 2017. Defendant SAM'S EAST, INC. received service of summons and a copy of the Complaint on

September 26, 2017. Defendant SAM'S EAST, INC. files this notice of Removal within thirty (30) days after service of summons and a copy of this Complaint.

3.

Defendant Sam's East, Inc. is an Arkansas corporation with its principal place of business in the State of Arkansas, and it was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time thereafter. The principal place of business is 124 West Capitol Avenue, Suite 1900, Little Rock, Arkansas 72201.

4.

Amanda K. McEytyre is a citizen of the State of Georgia.

5.

The citizenship of the fictitious John Doe 1 and John Doe 2 is disregarded for purposes of determining jurisdiction. 28 U.S.C. § 1441(a).

6.

Complete diversity of citizenship exists between Plaintiff and Defendant.

7.

Plaintiff claims severe injuries to her neck and shoulder, both requiring surgery; pain and suffering; past medical expenses of \$119,151.16; lost wages of \$5,542.59; and future medical expenses (see Complaint paragraphs 17, 19, 20, 21).

The amount in controversy, exclusive of interest and costs, exceeds \$75,000.

8.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendant.

9.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant has attached as Exhibit "A" copies of all the pleadings that were provided to and served upon Defendant, including copies of all pleadings that have been filed to date in the State Court of Dougherty County, Georgia for the above-styled case.

10.

Pursuant to 28 U.S.C. § 1446, Defendant is not required to file a removal bond.

11.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

12.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Dougherty County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant SAM'S EAST, INC. prays that the above-captioned lawsuit be removed to the United States District Court for the Middle District of

Georgia, Albany Division.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger
Howard M. Lessinger
Georgia State Bar No. 447088

/s/ Ernest L. Beaton, IV
Ernest L. Beaton, IV
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CERTIFICATE OF SERVICE

This is to certify that on September 29, 2017, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

_____/s/ Howard M. Lessinger
Howard M. Lessinger
Georgia State Bar No. 447088
Attorneys for Defendant
SAM'S EAST, INC.

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